

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Thursday, November 4, 2021

Hearing Room

5B

10:00 AM

8:00-000000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

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<https://cacb.zoomgov.com/j/1614125084>

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For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

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- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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Docket 0

Tentative Ruling:

- NONE LISTED -

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8:19-10158 BP Fisher Law Group, LLP

Chapter 11

Adv#: 8:19-01065 BP Fisher Law Group, LLP v. LoanCare, LLC.

**#1.00 STATUS CONFERENCE RE: Complaint For (1) Breach of Contract; (2) Open Book Account; (3) Quantum Meruit
(con't from 8-12-21 per order appr. stip to cont. s/c entered 6-16-21)**

Docket 1

***** VACATED *** REASON: CONTINUED TO 2-03-22 AT 10:00 A.M.
PER ORDER APPROVING STIPULATION TO EXTEND DEADLINE TO
RESPOND TO COMPLAINT AND CONTINUING STATUS
CONFERENCE ENTERED 8-16-21**

Tentative Ruling:

Tentative for 2/11/21:
A stipulation to continue?

Tentative for 6/27/19:
Status of answer/ default?

Party Information

Debtor(s):

BP Fisher Law Group, LLP

Represented By
Marc C Forsythe

Defendant(s):

LoanCare, LLC.

Pro Se

Plaintiff(s):

BP Fisher Law Group, LLP

Represented By
Benjamin Cutchshaw

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8:20-12166 Stephen F. Sturm

Chapter 13

Adv#: 8:20-01173 Sturm v. Dan Cook Inc

**#2.00 STATUS CONFERENCE RE: Complaint To Determine Nature, Extent And
Priority Of Lien; Declaratory Relief; Disallowance Of Claim
(cont'd from 9-09-21)**

Docket 1

Tentative Ruling:

Tentative for 11/4/21:
Is this matter settled?

Tentative for 9/9/21:
Status?

Tentative for 6/24/21:
In view of the continuing stipulated stay, continue status conference to August
12, 2021. It is expected that a responsive pleading will by then be on file as
the extension lapses July 7, 2021.

Party Information

Debtor(s):

Stephen F. Sturm

Represented By
Joseph A Weber

Defendant(s):

Dan Cook Inc

Pro Se

Plaintiff(s):

Stephen F. Sturm

Represented By

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Stephen F. Sturm

Fritz J Firman

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:20-11631 Hoan Dang

Chapter 7

Adv#: 8:21-01038 Naylor v. Nicholson Construction Company

**#3.00 STATUS CONFERENCE RE: Complaint: (1) Breach Of Contract; (2) Unjust Enrichment; (3) Quantum Meruit; And (4) Turnover
(another summons issued on 7-08-21)
(cont'd from 9-09-21)**

Docket 1

***** VACATED *** REASON: CONTINUED TO 1-06-22 AT 10:00 A.M.
PER ORDER ON STIPULATION TO CONTINUE STATUS
CONFERENCE ENTERED 10-25-21**

Tentative Ruling:

Tentative for 9/9/21:

Continue as a status conference about 90 days to allow arbitration?

Party Information

Debtor(s):

Hoan Dang

Represented By
James C Bastian Jr

Defendant(s):

Nicholson Construction Company

Pro Se

Joint Debtor(s):

Diana Hongkham Dang

Represented By
James C Bastian Jr

Plaintiff(s):

Karen Sue Naylor

Represented By
Nathan F Smith

Trustee(s):

Karen S Naylor (TR)

Represented By
Nathan F Smith
Arturo Cisneros

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Hoan Dang

James C Bastian Jr

Chapter 7

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8:20-12962 Sherry Bahrami

Chapter 7

Adv#: 8:21-01076 Marshack v. Bahrami et al

#4.00 STATUS CONFERENCE RE: Complaint For I. Turnover of Property Pursuant To 11 USC 542; II. Revocation Of Discharge Pursuant To 11 USC Sec 727(d)(1); and III. Revocation Of Discharge Pursuant To 11 USC Sec 727(d)(2)

Docket 1

Tentative Ruling:

Tentative for 11/4/21:

Default judgment was scheduled for December 9, but in meantime the court was informed that a settlement is underway. Status?

Party Information

Debtor(s):

Sherry Bahrami

Represented By
Frank R Sariol

Defendant(s):

Sherry Bahrami

Pro Se

Fred Bahrami

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Anerio V Altman

Trustee(s):

Richard A Marshack (TR)

Represented By
Anerio V Altman

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8:18-11154 i.i. Fuels, Inc.

Chapter 7

Adv#: 8:20-01143 Marshack v. Mantis Funding LLC

#5.00 PRE-TRIAL CONFERENCE RE: Complaint For 1. Declaratory Relief; 2. Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. Section 547 and 550; 3. Avoidance of Lien and Equitable Subordination Pursuant to 11 U.S.C. Section 510(c); 4. Avoidance and Preservation of Claims Pursuant to 11 U.S.C. Section 502, 506, 544, and 510(c); 5. Avoidance and Recovery of Fraudulent Transfers Pursuant to 11 U.S.C. Section 548 and 550; 6. Avoidance and Recovery of Fraudulent Transfers Pursuant to 11 U.S.C. Section 544, 548 and 550; 7. Usury and Unjust Enrichment/Disgorgement; 8. Injunction; 9. Determination of Liens Pursuant to 11 U.S.C. Section 502, 506 and 551; Unconscionability; 11. Violation of N.Y. General Business Law Section 349; 12. Violation of California Business and Professions Code Section 17200; 13. Fraud; 14. Negligence Per Se - Violation of California Finance Lending Law
**(set from s/c hrg held on 7-23-20)
(cont'd from 2-25-21 per order apprvng stip re: pre-trial deadlines and to cont. any pre-trial conf date entered 2-12-21)**

Docket 1

***** VACATED *** REASON: OFF CALENDAR - ORDER APPROVING STIPULATION BETWEEN PLAINTIFF AND DEFENDANT MANTIS FUNDING LLC TO DISMISS ADVERSARY PROCEEDING WITH PREJUDICE AND REMOVE THE PRETRIAL CONFERENCE FROM THE COURT'S CALENDAR ENTERED 8-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

i.i. Fuels, Inc.

Represented By
Leonard M Shulman

Defendant(s):

Mantis Funding LLC

Represented By
Howard Steinberg

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Chapter 7

Plaintiff(s):

Richard A. Marshack

Represented By
Robert P Goe
Rafael R Garcia-Salgado

Trustee(s):

Richard A Marshack (TR)

Represented By
Robert P Goe
Rafael R Garcia-Salgado

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8:19-14912 Igor Shabanets

Chapter 7

Adv#: 8:21-01078 Nationdom, Inc. v. Vibe Micro, Inc. et al

#6.00 Defendants' Motion To Dismiss Complaint 12(b)

Docket 5

Tentative Ruling:

Tentative for 11/4/21:

This is a dispute between Vibe Micro (and the Mandel principals of Vibe Micro), who have filed proofs of claim herein, and a creditor of Vibe Micro/Mandels, Nationdom, who is the plaintiff in this adversary proceeding. Nationdom also claims to have a security interest in any proceeds of the Vibe Micro/Mandel claims arising out of the parties' Litigation Finance Agreement. But as of present there has been no distribution on claims against this estate nor has allowance of Vibe Micro's/Mandel claims been determined (although Vibe Micro's status as a secured creditor is being separately contested). Plaintiff's argue that this court has jurisdiction as these are "core" questions, or under a "related to" theory, as described at 28 U.S.C. 157. But this action is clearly not "core" despite plaintiff's strained argument that resolution of the dispute might have some tangential relation to case administration. It is also not core insofar as order or priority of liens is involved since those terms as described at 28 U.S.C. §157(b)(2)(K) apply as the priority of liens upon property of the estate, not, as here, concerning a third party's claim of lien on proceeds of a creditor claim, which is obviously not estate property.

Although a "related to" theory of jurisdiction might be somewhat stronger, there is a compelling and supervening reason for this court not to be involved at all. There is a very clear venue selection provision favoring Florida in ¶9.2 of the Litigation Finance Agreement. Apparently, there is also a mandatory mediation provision as well, as reported by Defendants. It does not appear that bankruptcy law is relevant at all as all issues of concerning plaintiff's claim, security, if any, for that claim or the contractual requirements for mediation, etc. found in the Litigation Finance Agreement, which will be matters are all of Florida law.

Consequently, under 28 U.S.C. §1334(c)(1) and (2,) the court will

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CONT... Igor Shabanets

Chapter 7

grant the motion to dismiss as well as abstain from this matter. The court will hear argument on whether leave to amend should be granted.

Party Information

Debtor(s):

Igor Shabanets

Represented By
Bruce A Boice

Defendant(s):

Vibe Micro, Inc.

Represented By
Michael A Wallin

Edward Mandel

Represented By
Michael A Wallin

Samuel Mandel

Represented By
Michael A Wallin

Irene Mandel

Represented By
Michael A Wallin

Michael Jay Berger

Pro Se

Plaintiff(s):

Nationdom, Inc.

Represented By
Alan W Forsley

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang